

## **REMARKS**

This application was filed with claims 1-62. Claims 2-31 and 33-62 have been previously withdrawn. Claims 1 and 32 have been canceled by this Response. New claims 63-84 have been added. Therefore, claims 63-84 are pending in this application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

### Claim Objections

Claim 32 has been objected to because of the improper use of the word “providing” for an apparatus claim. This rejection is moot because the claim has been canceled.

### Claim Rejections - 35 U.S.C. § 112

Claims 1 and 32 have been rejected under 35 U.S.C. 112 as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is moot because claims 1 and 32 have been canceled.

### New Claims

New claims 63-84 have been added. Applicant notes that the primary objective of a DX system is to increase system operational efficiencies and that the ability to increase overall DX system operational efficiencies is of paramount importance. Further, the ability to reduce land area requirements for a DX system installation is of equal importance when available surface area is limited for a DX system installation (otherwise a DX system could not be installed/utilized). To

applicant's knowledge, no known prior DX system art, over the past 20 years, has ever encompassed the use of a refrigerant with significantly higher DX system operational pressures than that of an R-22, or similar refrigerant. To Applicant's knowledge, no known prior DX system art, over the past 20 years, has ever encompassed the use of an R-410A refrigerant. The use of such a higher (than R-22) pressure refrigerant both increases system operational capacities and efficiencies over conventional DX system designs using conventional R-22, or similar, refrigerants. Moreover, the use of such a higher (than R-22) pressure refrigerant reduces the necessary land surface area required to install a DX system via facilitating deeper operational depths. The result is a significant overall operational efficiency increase together with a corresponding requisite installation land area reduction.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the December 7, 2005, Office Action for 3 months from March 7, 2006, to June 7, 2006. Applicant encloses herewith a check in the amount of \$510.00 made payable to the Director of the USPTO for the petition fee.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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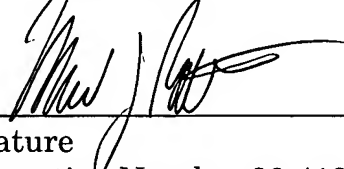
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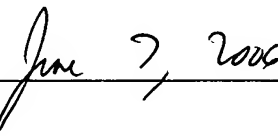
I hereby certify that this Response and Amendment in Application Serial No.10/757,265 having a filing date of January 14, 2004 and a check in the amount of \$510.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on June 7, 2006.

Mark J. Patterson

  
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Signature  
Registration Number 30,412

  
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Date